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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/517,705	03/02/2000	Chunlin Liang	042390.P5771D	4202
7590	01/26/2006			EXAMINER LOKE, STEVEN HO YIN
Blakely Sokoloff Taylor & Zafman LLP 12400 Wilshire Boulevard 7th Floor Los Angeles, CA 90025			ART UNIT 2811	PAPER NUMBER

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/517,705	LIANG ET AL.
	Examiner Steven Loke	Art Unit 2811

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 November 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,16,18,20 and 22-27 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1,16,18,20,22,23,26 and 27 is/are allowed.
- 6) Claim(s) 24 and 25 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      - 1) Certified copies of the priority documents have been received.
      - 2) Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      - 3) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 24 is rejected under 35 U.S.C. 102(e) as being clearly anticipated by Miyamoto et al.

In regards to claim 24, Miyamoto et al. show all the elements of the claimed invention in fig. 8B. It is a circuit device, comprising: a first transistor (the NMOS transistor) including a first gate electrode ([3] on the left side of figs. 7C and 8B) comprising a first gate material (titanium in titanium nitride) located directly on a first gate dielectric [10], the first gate dielectric located on a first area (p-well) of a semiconductor substrate [1a]; and a second transistor (PMOS transistor) complementary to the first transistor including a second gate electrode ([3] on the right side of figs. 7C and 8B) comprising a second gate material (titanium nitride) that is different from the first gate material (titanium in titanium nitride) and that is a nitride of the first gate material (titanium in titanium nitride), the second gate electrode located directly on a second gate dielectric [10], the second gate dielectric located on a second area (n-well) of the semiconductor substrate [1a].

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Miyamoto et al.

In regards to claim 25, Miyamoto et al. differ from the claimed invention by not showing the first gate material is tantalum.

It would have been obvious for the first gate material is tantalum because it is one of the widely used high melting point gate materials. The titanium gate material in Miyamoto et al. is a high melting point gate material.

5. Claims 1, 16, 18, 20, 22, 23, 26 and 27 are allowed.

6. Applicant's arguments filed 11/7/05 have been fully considered but they are not persuasive.

It is urged, in page 5 of the remarks, that claim 24 is not anticipated by Miyamoto because Miyamoto does not describe a circuit device comprising a first transistor including a gate electrode comprising a first gate material and a second transistor complimentary to the first transistor including a second gate electrode comprising a second gate material that is different from the first gate material and that is a nitride of the first gate material. However, Miyamoto shows a circuit device comprising a first transistor (the NMOS transistor) including a gate electrode ([3] on the left side of figs. 7C and 8B) comprising a first gate material (titanium in titanium nitride) and a second transistor (PMOS transistor) complimentary to the first transistor including a second gate electrode ([3] on the right side of figs. 7C and 8B) comprising a second gate

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material (titanium nitride) that is different from the first gate material (titanium in titanium nitride) and that is a nitride of the first gate material.

It is urged, in page 6 of the remarks, that substituting tantalum for titanium does not cure the defect in Miyamoto. Since claim 24 is still read on Miyamoto, claim 25 is still obvious over Miyamoto.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Loke whose telephone number is (571) 272-1657. The examiner can normally be reached on 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Lee can be reached on (571) 272-1732. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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January 20, 2006

*Steven Loke*  
Primary Examiner

*Steven Loke*